

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**ANTHONY CABANISS**

**PETITIONER**

**V.**

**NO. 1:05CR080-WAP**

**UNITED STATES OF AMERICA**

**RESPONDENT**

**ORDER DENYING MOTIONS**

Petitioner, an inmate proceeding *pro se*, has filed two letter motions seeking an order that would compel the United States Attorney to file a motion pursuant to F. Rule Crim. P. 35. The court has no authority to grant such relief in the absence of a motion by the Government. *U.S. v. Grant*, 493 F.3d 464, 468 (5th Cir. 2007) (no obligation to file a Rule 35(b) motion despite substantial assistance). No such motion has been filed in this case. *U.S. v. Price*, 95 F.3d 364, 368 (5th Cir. 1996) (government has discretionary power to make such motions).

It is THEREFORE ORDERED that Petitioner's letter motion (docket entry 157) is DENIED.

This the 1<sup>st</sup> day of March, 2010.

/s/ W. Allen Pepper, Jr. \_\_\_\_\_  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE